

REMARKS

Claims 1-32 are pending in the present application.

Reconsideration on the merits is respectfully requested.

The claims are believed to be allowable for the reasons set forth herein. Notice thereof is respectfully requested.

Specification

The specification has been amended to specifically recite that the parent application has been abandoned.

Rejections under 35 U.S.C. § 102

Claims 1, 4, 7, 8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Elliot (US 6,916,354).

Elliott is cited as disclosing a composite bullet comprising tungsten ballast encased in an organic binder. The binder is stated to be a polyether block amide.

Applicant respectfully submits that the Elliott patent does not represent prior art with regards to the polyether block amide. Elliott claims priority to U.S. Provisional Application No. 60/329,307 filed 10/16/2001 (hereinafter the '307 Appl.). A copy of the application as filed is submitted herewith in an Information Disclosure Statement. The '307 Appl. does not

describe a polyether block amide in a manner sufficient to satisfy 35 U.S.C. 112.

To the extent that Elliott describes a polyether block amide in U.S. Pat. No. 6,916,354 the effective date under 35 U.S.C. 102(e) would be October 15, 2002 not the filing date of the '307 Appl.

The present application claims priority to U.S. Pat. Appl. No. 10/119,912 filed April 10, 2002 (the '912 Appl.). Included in at least paragraph [0023] of the '912 Appl. is a description of the polyether block amide. The density recited in instant claim 1 is found in claim 10 of the '912 Appl.

In summary, the subject matter of instant claim 1 is afforded a filing date of April 10, 2002 which is prior to the effective date of Elliott with regards to the polyether block amide. Elliott did not possess the claimed invention prior to the filing date of the instant application. The rejection under 35 U.S.C. 102(e) is therefore improper and withdrawal is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 2, 3, 5, 9, 17 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott (US 6,916,354).

Claims 13-16 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot in view of Ikawa et al. (US 6,617,383).

Claims 6, 11 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot in view of Bray et al. (US 6,048,379).

Claims 12, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot in view of Belanger et al. (US 5,237,930).

Each rejection under 35 U.S.C. 103(a) relies on Elliott for teachings related to the polyether block amide. Elliott has been discussed previously with regards to the rejection under 35 U.S.C. 102(e) and all arguments supra are equally applicable to each rejection under 35 U.S.C. 103(a). In summary, Elliott did not possess the invention at the time of the filing of the instant application and therefore does not constitute prior art under 35 U.S.C. 102(e). The rejections based on Elliott are improper.

CONCLUSIONS

Claims 1-32 are pending in the present application. All claims are believed to be in condition for allowance. Notice thereof is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. T. Guy', is written over the typed name and title.

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